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16 MICROSOFT CORPORATION

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN JOSE DIVISION**

20 GOOGLE, INC. and KAI-FU LEE,

21 Case No. C 05-03095 RMW

22 Plaintiffs,

23 v.
24 **SUPPLEMENTAL DECLARATION
25 OF MICHAEL J. BETTINGER IN
26 SUPPORT OF MICROSOFT'S
MOTION TO DISMISS, TRANSFER
OR STAY**

27 Defendant.

28 Date: October 14, 2005
29 Time: 9:00 a.m.
30 Place: Courtroom 6
31 Hon. Ronald M. Whyte

32 I, MICHAEL J. BETTINGER, declare as follows:

33 1. I am an attorney licensed to practice in the State of California and before this
34 Court, and am a partner in the law firm of Preston Gates & Ellis, LLP, attorneys of record for
35 defendant Microsoft Corporation in the above-entitled action. I have personal knowledge of the
36

facts stated herein and, if called as a witness, would testify as follows.

2. Attached hereto as Exhibit 8 is a true and correct copy of an article published in the Los Angeles Times, "Ex-Microsoft Exec Can Start at Google," dated September 30, 2005.

3. Attached hereto as Exhibit 9 is a true and correct copy of an article published in the China Daily, "Ex-Microsoft Executive Can Recruit for Google," dated September 15, 2005.

4. Attached hereto as Exhibit 10 is a true and correct copy of the Preliminary Injunction Order signed by King County Superior Court Judge Steven González dated September 13, 2005.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of September, 2005 at San Francisco, California.

/s/ Michael J. Bettinger

Michael J. Bettinger